

Senate Bill No. 1427

Passed the Senate August 29, 2006

Secretary of the Senate

Passed the Assembly August 23, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 14132.103 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1427, Chesbro. Medi-Cal: federally qualified health centers.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which health care services are provided to qualified low-income persons. Federally qualified health center (FQHC) services described under federal law are covered Medi-Cal benefits. Existing law includes within the definition of an FQHC certain entities known as FQHC look-alikes, which have been determined to meet specified funding requirements, but have not received that funding.

Existing law requires that FQHCs be reimbursed on a per-visit basis, and allows an FQHC to apply for an adjustment to its per-visit rate based on a change in the scope of services it provides.

This bill would, subject to the availability of federal financial participation, allow an FQHC to bill the Medi-Cal program for FQHC services, as defined, delivered in locations other than the FQHC's site or sites by a provider who is an employee or a contracted member of the staff of the FQHC if specified requirements are met.

The people of the State of California do enact as follows:

SECTION 1. Section 14132.103 is added to the Welfare and Institutions Code, to read:

14132.103. (a) For purposes of this section, the following definitions shall apply:

(1) "Federally qualified health center (FQHC)" means an entity described in subparagraph (B) of paragraph (2) of subdivision (I) of Section 1396d of Title 42 of the United States Code.

(2) “FQHC services” means services defined in subparagraph (C) of paragraph (2) of subdivision (a) of Section 1396d of Title 42 of the United States Code.

(b) (1) An FQHC may bill the Medi-Cal program for FQHC services delivered in locations other than the FQHC’s site or sites by a provider who is an employee or a contracted member of the staff of the FQHC if the requirements of this subdivision are met.

(2) The requirements of Section 14132.100 to Section 14132.102, inclusive, and of the California Medicaid State Plan shall apply to the same extent as if the services were provided at the FQHC’s site or sites.

(3) Employees or contracted members of the staff of the FQHC who deliver FQHC services at offsite locations on behalf of the FQHC shall be licensed, certified, or registered, as applicable, under state law, and maintain written contracts with, or other written authorization from, the FQHC to provide services to FQHC patients at the offsite locations.

(4) The FQHC services shall be provided in the offsite location, rather than at the FQHC’s site or sites, consistent with the entity’s responsibilities as an FQHC, for health or medical reasons.

(c) The department shall promptly seek all necessary federal approvals in order to implement this section, including any amendments to the California Medicaid State Plan. To the extent that any element or requirement of this section is not approved, the department shall submit a request to the federal Centers for Medicare and Medicaid Services for any waivers or state plan amendments that may make it possible to implement this section.

(d) The department shall implement this section only to the extent that federal financial participation is obtained.

(e) (1) The department may, until January 1, 2009, adopt emergency regulations to implement this section in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(2) The adoption of emergency regulations described in paragraph (1) shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. The emergency regulations authorized by this subdivision shall be submitted to the Office of

Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations.

(3) Notwithstanding paragraphs (1) and (2), the director may, until January 1, 2009, issue any instructions and forms that are consistent with and necessary to implement and administer this section and any applicable provisions of the California Medicaid State Plan. The adoption of these instructions and forms shall not be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Approved _____, 2006

Governor